

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Recommendations of the)	
Independent Panel Reviewing)	
The Impact of Hurricane Katrina)	EB Docket No. 06-119
On Communications Networks)	

To the Commission:

Formal Written Comments of MARTIN DAVID WADE, a Amateur Radio Operator holding License N5PZJ, Lafourche Parish, Louisiana, PO BOX 16, Galliano, Louisiana 70354.

BACKGROUND :

I am located on the Western periphery of where Katrina Struck and was directly affected by the passing of the Storm, I evacuated before the Storm to Rayne, Louisiana, 20 Miles West of Lafayette, Louisiana and assisted with Evacuation Communications at the Rayne Civic Center where an Amateur Radio Station was set up and functioning along with VOIP and Internet Connections. I would like to add these comments and observations before The Honorable Commission:

Concerning Relaxation of Part 97 Rules (Amateur)

1.

To allow the relaxation of Amateur Radio Regulations in an Emergency seems to be a panacea to immediate communication needs when in fact the answer is before the Commission in the matter of the elimination of the Element 1, Morse Code Test as contained in NPRM 05-235. The elimination of Element 1 as a requirement will serve the Public Interest, Necessity and Convenience by the elimination of the STA to be granted for HF Operation by Holders of Technician Class Amateur Radio Licenses since the removal of Morse Code Tests in the Amateur Radio Service will serve to remove a barrier to (HF)¹ High Frequency portion of the Radio Spectrum. Since International Convention now allows for the elimination of this requirement, I move the Honorable Commission to eliminate this requirement with all due speed to facilitate the upgrade of any Emergency Responders who hold Amateur Radio Licenses to upgrade to full HF Privileges.

¹ That portion of the Radio Spectrum below 30 MHZ which is subject to Ionospheric Propagation or SKIP allowing for over the horizon communications usually not found in the VHF, UHF or Microwave portions of the RF Spectrum.

The majority of our communications in Louisiana during Katrina was conducted on 75 Meters² during Nighttime and 40 Meters³ during Daytime which allowed for coverage of Southern Louisiana with Over the Horizon Propagation and Communication between points which could have been covered by neither VHF/UHF conventional radios nor trunking radios put out of service by Katrina. For this reason alone, the elimination of the Morse Code requirement in Amateur Radio should be adopted immediately.

This would eliminate the need for most STAs to operate Amateur Radio Equipment by persons other than an Amateur Radio Operator since the pool of available Operators would be sufficient to allow for Operation of Amateur Gear by a person who holds a grant from the Commission and has demonstrated his or her ability to safely operate said apparatus in a competent manner. To allow anyone except Amateur, Military or Government Personnel trained in Radio usage and etiquette would be inviting disaster upon disaster in Emergency Communications when untrained Communicators not understanding the operation of Frequency Agile equipment could disrupt communications in an Emergency Area by transmitting on the wrong frequency. In the 1960's, any then 2nd Class Phone Commercial Operator could be named as a RACES⁴ Officer which allowed for Pseudo-Amateur Operation by persons not licensed as an Amateur. This relaxation of the rules open the door to unlicensed operations and the policy was rescinded after several incidents of non-Amateur Operation under the guise of "Drills" which never seemed to end, hence the one hour rule for Drills until this day in Title 47 Part 97.407(e)(4).

That is not to say there is not anyplace for STAs concerning emergency communications involving The Amateur Radio Service, but careful weight and consideration should be given to blanket STAs to prevent abuse of the Amateur Radio Service by well meaning individuals without an understanding of Radio Theory, Use and Etiquette.

Suggestions on how to make Amateur Radio more responsive

2.

The Honorable Commission should take a look and revise the (RACES) Radio Civil Emergency Service⁴ to fit in the overall picture of emergency Communications by:

- A. Revise the definition of Civil Defense Organization to

² **3.9 Mhz which is HF (High Frequency) Spectrum**

³ **7.2 Mhz which is HF also.**

⁴ **see below**

⁴ **(RACES) an acronym for RADIO AMATEUR CIVIL EMERGENCY SERVICE as found under Part 97:401 of the Commission rules.**

read "Emergency Management Office" or "Homeland Security" in order to reflect the current status of Emergency Response Offices and to change the word "enrolled" to "credentialed" to indicate the status of the Station License Holder in the Amateur Radio Service.

B. Eliminate the outdated instructions as contained in Part 97.407 (b) as to Allowable frequencies and substitute that all allowable Amateur Frequencies may be used.

C. Eliminate the outdated instructions as contained in Part 97.407 (c) as Redundant to Paragraph (b) above.

D. Eliminate the outdated instructions as contained in Part 97.407 (d) as to Contacting Military Units and substitute that any frequency so designated By Homeland Security, FEMA, DOD⁵, NTIA or FCC may be used as Needed when conducting Operations in RACES.

E. Update and modify the rule set under which stations Amateur Radio License Holders operating under RACES may communicate to include any station without limitation in any radio service upon authorization by the responsible Emergency Management Official:

1. Any RACES Station.
2. Any Amateur Station having Emergency Traffic.
3. Any Station in any Commercial or Private Service having Emergency Traffic without Frequency limitation.
4. Any Military Station.
5. Any Station in the Service of the Federal, State or Local Government Operating under FEMA, Office of Homeland Security or other Government Agency when authorized.

F. Expand the authority of All communications transmitted during RACES while not only must they be authorized but do not limit the type and scope but allow for the passing or handling of Emergency Commercial Traffic also which will allow relief and commercial recovery to begin when essential equipment can be requested by Amateur Radio when no viable means of communications exist. This is the intent of Part 97.401(a) and should be explicitly stated for RACES Operations. This is the intent of

⁵ **Department of Defense, which administers MARS (Military Affiliated Radio Stations) made up of amateur Volunteers.**

Subpart E of Part 97 and should be reviewed by the Commission as time permits.

G. Allow for drills longer than One Hour per week since this rule was adopted to prevent Operators under the guise of RACES to monopolize

Frequencies while conducting drills, flexibility is needed to allow for

realistic drills and tests. Modify Title 47 Part 97.407(e)(4) to allow for drills without a time limit since this rule is no longer needed to control

Non-Amateur Operation in RACES.

H. Mandate the issuance of RACES STATION LICENSES⁶ to each EOC with the caveat that the Political Subdivision must have a viable RACES Back-up Emergency Plan before the Governmental Jurisdiction is able to apply for or renew their licenses in any other service. This would force the Political Subdivision to have a workable Back-up Communication plan under Commission review.

Concerning the handling of waivers, requests and STAs **3.**

The Rules should be modified under Title 47 to allow the EIC⁷ of the Area Involved to be moved and stationed at the nearest safe EOC either at the State or Regional level to issue for the duration of the Emergency so as to issue STAs and to waive requirements in regard to Commission Actions to meet the Emergency and to minimize its effect on Communication efficiency during an Emergency. An EIC with authority to issue STAs should be made a part of every State Team when an Emergency has been declared. This would allow for maximum flexibility to speed recovery when there is an FCC official on the ground to expedite waivers and STAs when *Amateur/Broadcast/Wireless/Cellular/Internet/Telephony* issues need immediate addressing as was the case in KATRINA.

This alone would streamline the STA process and allow for a central point of contact during an emergency with an FCC Official capable of making emergency decisions. The idea of automatic waivers and STAs during a declared emergency appears to be a panacea but each emergency brings its own challenges and requirements, blanket grants of authority would not work since different scenarios may be at work but not planned for as was the case in KATRINA.

Broadcasting during an Emergency **4.**

⁶ **RACES STATION LICENSES were discontinued several years ago, they were WC#XXX in format and were held by the Civil Defense Agency as Trustee. As a distinctive call, the call stood out.**

⁷ **Engineer-in-Charge, as designated by Federal Communications Commission**

Broadcasting regulations should be relaxed during an emergency and STAs issued to allow a broadcaster to get back on the Air ASAP, even with marginal equipment or non conforming equipment if only to temporarily bridge a gap until better equipment can be located and installed. Allowing Low Power Broadcast Stations on a non Commercial Basis to be set up on Vacant or Silent Frequencies by Government or Relief Organizations with STAs issued for a limited time frame would greatly enhance information sharing with the general public and quell rumors with fact and information from a reliable source. Automatic STAs should be in place to facilitate this matter. The NCE (non-Commercial Educational Radio Stations) should be allowed to carry out their mission by teaming with other stations in a simulcast situation without extensive regulations in an emergency hindering their service to the public. The relaxation of the Broadcast rules and regulations during any emergency should be routine and expected, this only gives flexibility to those broadcasters who have a mission to serve the public interest by their holding of a Broadcast License.

Credentialing of workers and responders

5.

Credentialing workers and responders in any emergency is an Art and a Science in itself since each Jurisdiction, whether at the Federal, State or Local level has their own requirements and ideas about what information should be contained, what standards should be used and on what authority should the Credentials or ID Cards be issued. This is outside the scope of the Commission's Authority since a National Credential Standard⁸ would need to be adopted and placed into Law by Congress. Resistance to credentialing was very evident during Katrina and passes were required to travel from point to point with workers and relief agency personnel having to prove themselves to each and every checkpoint, something not unlike a police state by where the examining Officer had discretion. Some Officers were satisfied by the patchwork of Identification Cards (ID)s, but others wanted to question each person wanting a pass which blocked up traffic on the Radio Network and slowed down entry. Not knowing what to accept, some accepted anything, others, nothing. The Commission should examine its Authority and Jurisdiction in this matter and refer this matter to FEMA and/or Office of Homeland Security to set down the Standards by which Credentials should be issued.

⁸ Would this involve a background check? Police Report? Security Clearance by what authority? Drug Screen? The information possibilities are staggering as to requirements. How do you do a background check with no Communications during an Emergency?

Security immediately after Katrina was a concern with lawlessness being rampant. The Commission needs to recommend to Congress to amend the Stafford Act to include Telecommunications workers and relief agencies under the Stafford Act to facilitate Security during Recovery.

Several items were and are out of the Sphere of Control as it relates to the Commission's Duties but the Commission should try to persuade Telecommunication Commercial Entities to adopt a more complete approach to preparedness in light of disasters and to stockpile equipment needed for the recovery and rebuilding. There is a caveat to this approach and no organization wants to be caught with obsolete equipment in reserve wasting away Shareholder monies. To that end, preparedness as well as readiness to act in an emergency belongs to the Local or State Jurisdiction and its support from FEMA and Private Industry to mitigate the effects of the disaster. Mandating rules and regulations about stockpiling could find the recovery slowed if only there is old parts and obsolete equipment which wasted away in storage. The better idea is to have the suppliers located away from the disaster areas with vendors located in different parts of the country, supplies would always be available from a dealer.

Medical Providers and other non-traditional communication needs

6.

The requirement to bring the medical providers on board with respect to emergency Communications is a noble idea but the medical profession is best left to the local arena in that the Local Office of Emergency Management should be involved in that area. Medical Providers are overwhelmed with mandated actions to perform and the inclusion of them into the local Emergency Management Plan would be the right step to direct the Medical Providers as to maximize the effectiveness of their Emergency Plans and to minimize the burden of further regulation.

Amateur Radio Response and the Case for a Comprehensive Coordination

7.

Because there was no state, or national recognition from Louisiana (for Example) for identification, other than the license from the FCC, the communications Volunteer resource appears to be a risk or threat, rather than an asset. Recognition of amateur radio by FEMA, Department of Homeland Security and others, in more than a **token** fashion would allow the largest group of trained communicators in the United States of America and a distributed resource, to do what they are

trained to do and what they like to do. You have gone to the expense and trouble to license them to do just that, and the roadblocks to their use continue to exist year after year.

You are well aware that amateur radio stood out as a source of successful communications in the involved areas from the documents "A Failure of Initiative" from the House of Representatives and "The Federal Response to Hurricane Katrina: Lessons Learned" from the White House.

You should also be aware of Public Law 103-408 acknowledges that Part 97 of Title 47 of the Commission's Regulations clarifies and extends the Purposes of The Amateur Radio Service as a:

- (1) voluntary noncommercial communication service, particularly with respect to providing emergency communications;
- (2) contributing service to the advancement of the telecommunications infrastructure;
- (3) service which encourages improvement of an individual's technical and operating skills;
- (4) service providing a national reservoir of trained operators, technicians and electronics experts; and
- (5) service enhancing international good will;

Congress finds and declares that--

- (1) radio amateurs are hereby commended for their contributions to technical progress in electronics, and for their emergency radio communications in times of disaster;
- (2) the Federal Communications Commission is urged to continue and enhance the development of the amateur radio service as a public benefit by adopting rules and regulations which encourage the use of new technologies within the amateur radio service; and
- (3) reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit.

Support for Amateur Radio and the adoption of the Common Sense Regulations for handling emergencies should be priorities at the Commission and ideas placed forward in

this EB-Docket 06-119 show the amount of effort needed to get the job done. While Amateurs can not do it all, their presence in the Community lends itself to preparedness to a degree of readiness if they are used and integrated into the fabric of the Emergency Plan.

The fallacy of the Commercial Systems were exposed in KATRINA at my house in Galliano, Louisiana when my Cell Phone did not work, Radio & TV Stations went off the air, my phone did not work properly, Internet was not there, and Cable was out. The Satellite TV and Simple two way radio provided a link to the world and it worked! I was able to call from Coast to Coast without a problem via HF however, my neighbor could not call across the street!

Did I suffer damage, yes, but most amateurs in the New Orleans area evacuated with their Amateur Radio "Ham" Gear and were ready to set up even though they had lost their antennas and were using wire strung between two trees, they were back on the air! As an Amateur Radio Operator, I was not contacted by anyone about Emergency Service until Katrina had hit and the situation had escalated into a full blown Rout of people leaving the New Orleans area and arriving at my location at Rayne, Louisiana Civic Center, an ad-hoc evacuation refuge provided by the wonderful citizens of Rayne, Louisiana. Had we had a comprehensive system of Emergency Registration, the location of Amateur Operators would have been made known if a central State or regional staffing center would have been established as well as for Utility and Telecomm Workers needing to restore vital services. It would behoove the Commission to establish a guideline for disaster recovery as a condition of grant of license to the state to establish a coordination feature in their Emergency Plan as a condition of licensure.

The Need for Paging and other High-Low Tech Solutions

8.

Simple, non-complex Communication devices did perform very well during and after Katrina if their basic infrastructure remained intact which is the key to Communications Success.

It would behoove the Commission to require in the Antenna Registration Regulations, a requirement that Towers in a Hurricane or flood zone be built to a rigid specification to withstand the fury of a storm or that equipment be placed in a storm proof shelter with enough height⁹. Paging devices that still had their command and control systems¹⁰ in place located on the top of buildings in New Orleans stayed

⁹ **At least above the FEMA Flood Zone Elevation or Highest Storm Surge Experienced in the Particular Area.**

⁰ ¹⁰ **Reference herein made to USA Mobility Filing, 06-119 which contains a basic sketch of how a stand alone paging system works.**

functioning as long as there was power (battery, alternative or otherwise) to run the transmitter. The commission should require as it is in their Jurisdiction that power supplies (alternate) be sufficient to run a Paging, Cell or Trunking site for not less than 72 hours without connection to Commercial Power Grid as a condition of license grant.

Simple as it was, paging systems still had some viability but Cell Sites if they lost their power or tower were out of commission. The Landline Phone System which complements the Paging and wireless Commercial entities was lost and only those areas with connectivity to Satellite systems remained viable if the system still had power.

A complex communication system will experience a breakdown under extreme situations if any part of its myriad components fails. This makes the case for simplicity and equipment easy enough for the lay person, whose only experience with Telecommunications is dialing the cell phone or pushing the mike button to talk to minimize the problems they may encounter in performing their tasks during a crisis, communication infrastructure is best kept simple and ready to function with a back up plan always in place such as a team of trained persons to assist such as an Auxiliary Communications Team made up of Volunteers and Professionals ready to serve. To this end, adoption of the flexible approach by the Commission to Emergency Response is hereby urged.

Respectfully submitted,

s/Martin D. Wade

Martin David Wade, N5PZJ
POB 16
Galliano, LA 70354
985-632-7981
n5pzj@arrrl.net